IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 24973 of 2004

Between:

R.Ramaswamy S/o.Kajaiah
Sub Divisional Sub Treasury Office, Mahabubabad,
Warangal Dist.

..... PETITIONER

AND

1 The Director of Treasuries & Accounts, Andhra Pradesh, Hyderabad.
2 The District Treasury Officer, Warangal, Warangal Dist.
3 The Assistant Treasury Officer, Mahabubabad, Warangal Dist.
4 The Principal, Govt. Junior College, Nellikuduru, Warangal Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st Respondent in placing the petitioner under suspension as arbitrary unreasonable and contrary to law and accordingly set aside the impugned order of the Respondent in Proc.K.(II)/6/1325/04-1, dt 01-06-2004 including the orders of the A.P. Administrative Tribunal dt 25-11-2004 passed in OA No.6398/2004 and consequently direct the respondents to reinstate the petitioner in the service by treating the entire out of service period as duty period paying all the benefits.

Counsel for the Petitioner: MR.G.TUHIN KUMAR

Counsel for the Respondents: GP FOR SERVICES II

The Court made the following :

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ORDER:

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The writ petition is filed challenging the order passed by the A.P. Administrative Tribunal, (for short 'Tribunal') in O.A.No.6398 of 2004, dated 25-11-2004.

2. The petitioner is the applicant before the Tribunal. He challenged the order of suspension dated 01-06-2004. The Tribunal after considering the matter held that the petitioner had a right of appeal and dismissed the O.A. as not maintainable. Against the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that finding recorded by the Tribunal that the petitioner failed to avail alternative remedy is not sustainable inasmuch as the same is not effective. He also submits that similarly situate person, by name Srinivas, Senior Accountant, attached to the Sub Treasury Office, Mahabubabad, was initially suspended and later the said suspension was revoked. Since the petitioner also stands on the same footing, suspension order has to be set aside.

4. Heard the learned counsel.

5. We are afraid we cannot accept the contention of the learned counsel for the petitioner. We are not inclined to consider the finding as to whether the appeal is alternative and effective remedy inasmuch as we are dismissing the writ petition on another ground that the suspension order is required to be reviewed within a period of three months from the date of issuance. Admittedly, in the instant case the order has not been reviewed by the Government. Therefore, it is necessary that the Government shall review the matter keeping in view the material available on record.

6. Under those circumstances, the petitioner is directed to file representation before the Government within a period of two weeks from the date of receipt of a copy of this order and the same shall be considered and disposed of by the Government within a period of four weeks thereafter. It is also open for the petitioner to bring to the notice of the Government regarding lifting of suspension in respect of similarly situate person, attached to the same office.

7. With the directions indicated above, the writ petition is dismissed at the stage of admission. No costs.

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G.BIKSHAPATHY, J.

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P.S.NARAYANA, J.

Dt.08-02-2005.

skmr

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..... REGISTRAR

To

1 The Director of Treasuries & Accounts, Andhra Pradesh, Hyderabad.
2 The District Treasury Officer, Warangal, Warangal Dist.

3 The Assistant Treasury Officer, Mahabubabad, Warangal Dist.
4 The Principal, Govt. Junior College, Nellikuduru, Warangal Dist.

5 2 CCs to G.P. for Services II, High Court Buildings, Hyderabad (OUT).

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